IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CHRIST LIBERTY FAMILY LIFE CENTER,	)	
	)	
Plaintiff,	)	Civil Action No. 1:10-CV-2326
	)	
	)	Judge Charles A. Pannell, Jr.
v.	)	
	)	
CITY OF AVONDALE ESTATES, GEORGIA,	)	
	)	
Defendant.	)	

CHRIST LIBERTY FAMILY LIFE CENTER AND MAUCK & BAKER, LLC'S MOTION FOR ATTORNEY'S FEES AND COSTS

Plaintiff Christ Liberty Family Life Center ("Christ Liberty" or "the Church") and their attorneys Mauck & Baker, LLC ("Mauck & Baker) hereby present their motion for attorney's fees and expenses.

1. Reference is made to the supporting memorandum filed contemporaneously with this motion.

2. This motion presents attorney and paralegal time and expenses incurred **only through April 19, 2012**. Mauck & Baker also is entitled to compensation for attorney time expended post-merits in establishing their right to recover attorney's fees under § 1988. *Villano v.*

City of Boynton Beach, 2001 U.S. App. LEXIS 15419, **19-20 (11th Cir. 2001); *Johnson v. University College of Alabama in Birmingham*, 706 F.2d 1205, 1207 (11th Cir. 1983). Since Exhibit 7 includes post-merits attorney time expended only through April 19, 2012, Mauck & Baker will file its supplemental statement of attorney time and final request for compensation with the reply brief.

3. Christ Liberty Family Life Center and Mauck & Baker, LLC seek the award of attorney and paralegal fees plus expenses, through April 19, 2012, as follows:

Professional	**Hours**	**Rate**	**Totals**
Mauck (Tmkpr #1)	52.6	$550	$28,595.00
McCoy (Tmkpr #11)	617.1	$300	$185,130.00
Norman (Tmkpr #3)	90.5	$500	$45,250.00
Cunningham (Paralegal) (Tmkpr #25)	19.5	$165	$3,217.50
	Total request for compensation to 4/19/12:		**$262,192.50**

4. In addition to $262,192.50 in professional time Mauck & Baker seeks $1,829.95 in expenses, for a total request through April 19, 2012 of $264,022.45.

5. Separately from Mauck & Baker, Christ Liberty Family Life Center, the Alliance Defense Fund and Kevin Theriot as local counsel seek the award of attorney and legal assistant fees plus expenses through April 19, 2012. See, Exhibit 4 and attachments thereto. This is set forth as follows:

Professional	**Hours**	**Rate**	**Totals**
Theriot	8.9	$425	$3,782.50
Henning (Legal Asstnt.)	7.1	$105	$ 745.50
Wade (Legal Asstnt.)	0.3	$105	$ 31.50
Manley (Legal Asstnt.)	0.1	$ 70	$ 7.00
Foucher (Legal Asstnt.)	0.1	$ 70	$ 7.00
	Total request for compensation through 4/19/12:		$4,573.50

6. In addition to $4,573.50 in professional time the Alliance Defense Fund and Kevin Theriot seek $1,272.44 in expenses, for a total request through April 19, 2012 of $5,845.94.

7. Attached in support are:

   a. John W. Mauck's Declaration, **Exhibit 1**.

   b. Andy Norman's Declaration, **Exhibit 2**.

   c. Lee McCoy's Declaration, **Exhibit 3**.

   d. Kevin Theriot's Declaration, **Exhibit 4**.

   e. Jonathan Crumly's Declaration, **Exhibit 5**.

   f. Wayne Bond's Declaration, **Exhibit 6**.

   g. Mauck & Baker's "Detail Fee Transaction File List". This statement shows all attorney and paralegal time through April 19, 2012. From left to right it lists the internal Mauck & Baker case file number; the date of each service performed; the professional's timekeeper number as listed above; the attorney's hourly rate; the number of hours and tenths expended for the given date; the dollar amount of the services for the given date; identification of the specific services rendered; and a program-generated reference number, **Exhibit 7**.

   h. Mauck & Baker's "Detail Cost Transaction File List". This statement shows the expenses for which Mauck & Baker seeks reimbursement, **Exhibit 8**.

   i. The Court's Consent Order, Document 17, filed 8/12/10, **Exhibit 9**.

   j. The Court's Order, Document 61, filed 2/17/12, **Exhibit 10**.

   k. The Court's Order, Document 64, filed 3/14/12, **Exhibit 11**.

l. Mauck & Baker's letter dated 12/15/10, **Exhibit 12**.

m. Wilson, Morton and Downs' letter dated 1/7/11, **Exhibit 13**.

n. Wilson, Morton and Downs' Rule 68 offer dated 3/11/11, **Exhibit 14**.

o. Wilson, Morton and Downs' Rule 68 offer dated 3/20/12, **Exhibit 15**.

p. Mauck & Baker's letter dated 3/28/12, **Exhibit 16**.

q. Defendant's Response to Plaintiff's Motion for Summary Judgment, Document 51, filed 7/8/11 (w/o attachments), **Exhibit 17**.

r. Summary of District Court precedent on July 23, 2010, **Exhibit 18**.

s. Mauck & Baker's "Summary Fee Transaction File List". This document provides a summary of hours expended and total dollar amounts requested for each Mauck & Baker professional seeking compensation in this case, **Exhibit 19**.

8. Professional fees and expenses are sought under 42 U.S.C. 1988(b). See, e.g. *Hensley v. Eckerhart*, 461 U.S. 424 (1983).

9. All counsel in this case have gone unpaid from the commencement of work in this case to the present. For this reason compensation for all professional time back to the beginning of the case is sought at current hourly rates, to compensate for the delay in payment. See,

Missouri v. Jenkins, 491 U.S. 274, 284 (1989); *Morgado v. Birmingham-Jefferson County Civil Defense Corps*, 706 F.2d 1184, 1193-94 (11th Cir. 1983); *Johnson v. University College of the University of Alabama*, 706 F.2d 1205, 1210-11 (11th Cir. 1983).

WHEREFORE, Plaintiff Christ Liberty Family Life Center and Mauck & Baker, LLC, request that the Court make the following findings and assess the following sums against Defendant City of Avondale through April 19, 2012, with additional time to be filed with the reply brief:

A. Award Mauck & Baker $262,192.50 in attorney and paralegal fees, plus $1,829.95 in expenses, for a total award of $264, 022.45 through April 19, 2012;

B. Award the Alliance Defense Fund and Kevin Theriot as local counsel $4,573.50 in attorney and legal assistant fees, plus $1,272.44 in expenses, for a total award of $5,845.94; and

B. Grant other just relief.

Respectfully submitted,

CHRIST LIBERTY FAMILY LIFE CENTER AND MAUCK & BAKER, LLC

s/ Kevin H. Theriot

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document was served on April 20, 2012, via the court's electronic filing system on all counsel of record in this matter.

s/ KEVIN H. THERIOT
KEVIN H. THERIOT